

(4) Current or planned activities in the Moapa Valley and their possible impacts on the species;

(5) Additional information concerning the taxonomy of Virgin River chub; and

(6) Data on chub movement (or lack thereof) between the Virgin and Muddy Rivers.

Final promulgation of the regulation changing the Virgin River chub from a subspecies to a population listing will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal. In addition, the Service will use the best available scientific and commercial data to evaluate the status of the Muddy River population segment and, if deemed appropriate, prepare a listing proposal. If listing is deemed warranted, the Service will publish a proposed rule in the **Federal Register** for public comment and will include a review of materials used in its preparation. Critical habitat will be addressed in any proposed rule.

The Endangered Species Act provides for a public hearing on this proposal, if

requested. Requests must be received by September 7, 1995. Such requests must be made in writing (includes FAX) and addressed to the Acting State Supervisor, U.S. Fish and Wildlife Service (see **ADDRESSES** action).

National Environmental Policy Act

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of all references cited herein, as well as others, is available upon request from the office listed in the **ADDRESSES** section above.

Author

The primary author of this notice is Selena Werdon (see **ADDRESSES**).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulation Promulgation

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. Section 17.11(h) is amended by revising the entry for “Chub, Virgin River” under FISHES to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
* FISHES	*	*	*	*	*		*
* Chub, Virgin River	* <i>Gila seminuda</i> (=G. <i>robusta seminuda</i>).	* U.S.A. (AZ, NV, UT) ..	* Virgin River	* E	* 361,	* NA	* NA
*	*	*	*	*	*		*

Dated: March 22, 1995.

Mollie H. Beattie,

Director, U.S. Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 654

[Docket No. 950710177–5177–01; I.D. 060295A]

RIN 0648–A107

Stone Crab Fishery of the Gulf of Mexico; Control Date

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Advance notice of proposed rulemaking; consideration of a control date.

SUMMARY: This document announces that the Gulf of Mexico Fishery Management Council (Council) is considering whether there is a need to impose additional management measures limiting entry in the stone crab fishery in the exclusive economic zone (EEZ) in the Gulf of Mexico off Florida, and if there is a need, what management measures should be imposed. If it is determined that there is a need to impose additional management measures, the Council may initiate a rulemaking to do so. Possible measures include the establishment of a limited entry program to control participation or effort in the fishery. If a limited entry program is established,

the Council is considering July 24, 1995, as a possible control date. Consideration of a control date is intended to discourage new entry into the fishery based upon economic speculation during the Council's deliberation on the issues.

DATES: Comments must be submitted by August 23, 1995.

Comments should be directed to the Gulf of Mexico Fishery

ADDRESSES: Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609.

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, 813–570–5305.

SUPPLEMENTARY INFORMATION: The stone crab fishery is managed under the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico (FMP) that was developed by the Council, approved by NMFS, and implemented through final regulations

at 50 CFR part 654 under the authority of the Magnuson Fishery Conservation and Management Act. The management measures applicable to the EEZ portion of the fishery generally conform to the management measures applicable to the waters managed by Florida.

The fishery has more participants and stone crab traps than are necessary to harvest the optimum yield from the fishery. The number of commercial vessels has increased by 261 percent and the number of traps by 257 percent since the 1977-78 season. Currently, there are more than 700,000 traps deployed in the stone crab fishery, primarily in Florida waters. The Council has concluded that an increasingly significant portion of the landings are now coming from the EEZ, especially off the Florida Keys. Additional fishing effort would lead to harvesting inefficiencies, more management constraints, and increased conservation risks.

The Council's industry advisory panel requested the development of limited access alternatives. A control date of January 15, 1986, was previously established by the Council (51 FR 5714, January 15, 1986), but efforts to develop limited access alternatives for industry review were delayed. During 1995, the Florida Legislature passed a bill placing a moratorium, effective July 1, 1995, on the issuance of additional permits to

participate in the stone crab fishery in State waters while industry formulates the provisions of an effort limitation program.

In order to have an effort limitation program approved and implemented for the fishery in the EEZ, the Council will be required to prepare an FMP amendment. Publication of a proposed rule with a public comment period, NMFS' approval of the amendment, and issuance of a final rule would also be required.

As the Council considers management options, including limited entry or access-controlled management regimes, some fishermen who do not currently harvest stone crab, and have never done so, may decide to enter the fishery for the sole purpose of establishing a record of commercial landings of stone crab. When management authorities begin to consider use of a limited access management regime, this kind of speculative entry often is responsible for a rapid increase in fishing effort in fisheries that are already fully developed. The original fishery problems, such as overcapitalization or overfishing, may be exacerbated by the entry of new participants.

If management measures to limit participation or effort in the fishery are determined to be necessary, the Council is considering July 24, 1995, as the control date. After that date, anyone entering the fishery may not be assured

of future participation if a management regime is developed and implemented limiting the number of fishery participants.

Consideration of a control date does not commit the Council or NMFS to any particular management regime or criteria for entry into the stone crab fishery. Fishermen are not guaranteed future participation in the stone crab fishery regardless of their date of entry or intensity of participation in the fishery before or after the control date under consideration. The Council may subsequently choose a different control date, or it may choose a management regime that does not make use of such a date. The Council may choose to give variably weighted consideration to fishermen in the fishery before and after the control date. Other qualifying criteria, such as documentation of commercial landings and sales, may be applied for entry. The Council also may choose to take no further action to control entry or access to the fishery in which case the control date may be rescinded.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 18, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 95-18074 Filed 7-21-95; 8:45 am]

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